

Amend the committee substitute for **S.B. 1067** by striking Section 79.002 and Section 79.003 and substituting the following Section 79.002 and renumbering Section 79.004 to be Section 79.003.

Section 79.002. Authority. New regulatory authority by the department may occur only if federal regulation in state waters is proposed and under no other circumstances. When necessary to retain jurisdiction of resources in the state, and only then, the department may follow procedures outlined in Chapter 61 of this Code in promulgating rules for harvest of any and all species of marine life subject to the Fishery Conservation and Management Act of 1976 (16 U.S.C.A. Section 1801, et. seq.)

The amendment was read and was adopted.

On motion of Senator Schwartz and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

S.B. 1188 (Traeger) Relating to Wilson County Memorial Hospital District of Wilson County. (31-0)(31-0)

Senator Traeger offered the following committee amendment to the bill:

Amend S.B. No. 1188 by striking the sentence that begins on page 4, line 22.

The committee amendment was read and was adopted.

On motion of Senator Traeger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Jones of Harris in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

ADJOURNMENT

On motion of Senator Truan the Senate at 8:50 o'clock a.m. adjourned until 10:30 a.m. today.

FIFTY-FIRST DAY (Thursday, April 14, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Tracger, Truan, Williams.

Absent-excused: Adams, Clower.

A quorum was announced present.

The Rabbi Samuel M. Stahl, Temple Beth El, San Antonio, Texas, offered the invocation as follows:

O God, we assemble to chart the destiny of the State of Texas. Help us in our deliberations to remember it is the people of our State that we have assembled to serve.

Help us to place human rights above self-interest, justice above greed, and ideals above income.

Aid us to rid our State of prejudices, injustices and iniquities with courage and vigor.

Strengthen us to respond to the deprivation and poverty of our constituents with compassion.

Bless us as we seek happiness for the people of Texas as agents of God who made all of us in His image, and therefore equal. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Adams was granted leave of absence for today on account of important business on motion of Senator Jones of Taylor.

Senator Clower was granted leave of absence for today on account of illness on motion of Senator Mauzy.

REPORTS OF STANDING COMMITTEES

Senator Snelson submitted the following report for the Committee on Intergovernmental Relations:

H.B. 615

S.B. 968

S.B. 1184

S.B. 1213

S.B. 961

S.B. 1231

S.B. 1232 (Amended)

S.B. 1209

C.S.S.B. 1199 (Read first time)

C.S.S.B. 1185 (Read first time)

Senator Brooks submitted the following report for the Committee on Human Resources:

H.C.R. 75
S.B. 555
S.B. 1049

Senator Sherman submitted the following report for the Committee on Natural Resources:

C.S.S.B. 910 (Read first time)
S.B. 950
S.B. 970
S.B. 973
S.B. 991
C.S.S.B. 1079 (Read first time)
S.B. 1139
H.B. 1213
H.B. 1276
H.B. 1429
H.B. 1430
H.B. 1461

Senator Moore submitted the following report for the Committee on State Affairs:

S.B. 1225
S.B. 20
C.S.S.B. 74 (Read first time)
S.B. 1135
C.S.S.B. 956 (Read first time)
H.B. 1324
H.B. 2058

SENATE BILLS ON FIRST READING

By unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

S.B. 1250 by Sherman Natural Resources
Relating to the regulation of surface mining; amending Sections 4(2) and (5), 7, 8(a), (d), (e), and (i), 12(a), 13(d), 15(b), 17, and 18, Texas Surface Mining and Reclamation Act (Article 5920-10, Vernon's Texas Civil Statutes), and repealing Sections 16(d) and 24.

S.B. 1251 by Longoria Natural Resources
Relating to regulation of dealers in vegetables and fruit grown in this state; amending Chapter 218, Acts of the 58th Legislature, 1963, as amended (Article 1287-3, Vernon's Texas Civil Statutes), by amending Sections 1(b) and (d), 6, 7, 12(a), 14, 19, 20, and 21, and adding Sections 9a and 21a; amending Chapter 236, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 118b, Vernon's Texas Civil Statutes), by amending Sections 4, 6, 12, 14, 21, 22, 23, and 25, and by adding Section 8a.

S.B. 1252 by Ogg

Intergovernmental Relations

Amending Chapter 304, Acts of the 50th Legislature of the State of Texas, Regular Session, 1947, as amended (Article 6795b-1, Vernon's Revised Civil Statutes of Texas, as amended), relating to the construction and operation of causeways, bridges, tunnels, turnpikes and roads by counties bordering on the Gulf of Mexico and having a population of 50,000 or more, according to the last Federal Census; amending Section 1 to provide coverage to counties bordering on any bay or inlet opening into the Gulf of Mexico, to expand the definition of "project" to include turnpikes and highways and necessary overpasses, underpasses, interchanges, entrance plazas and service stations and to allow for public or private sale of such bonds on terms determined by Commissioners Court to be in the best interests of the county; amending Section 2 and adding a new Section 2a to provide that counties bordering on the Gulf of Mexico and having a population in excess of 1,000,000 according to the last Federal Census, may, without an election, issue bonds secured by a pledge of and payable from an ad valorem tax levied pursuant to Article 8, Section 9 of the Constitution in order to acquire right-of-way for a project and to pay certain preliminary costs of the project; adding a new Section 5(b) to provide that projects may be operated by an operating board appointed pursuant to the resolution or order providing for the issuance of bonds or the trust indenture securing the same; enacting other provisions related to the subject; and declaring an emergency.

S.B. 1253 by Ogg

Finance

Making a supplemental appropriation to the Judiciary Section-Comptroller's Department; and declaring an emergency.

S.B. 1254 by Brooks

Intergovernmental Relations

Relating to the responsibility of an incorporated city or town to provide certain liability coverage for peace officers and fire fighters; and declaring an emergency.

SENATE BILL 527 WITH HOUSE AMENDMENTS

Senator Jones of Taylor called **S.B. 527** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment No. 1

Amend **S.B. 527** by amending Section 3 to read as follows:

"Section 3. The need to provide for the regulation of construction and sale of structures to be used as a residence and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

Floor Amendment No. 1

Amend **S.B. 527** by amending Section 2 to read as follows:

"Section 2. Amend Section 2, Chapter 274, page 609, Acts of the 60th Legislature, Regular Session, 1967, (Article 5069-6.01(a), Vernon's Texas Civil Statutes) to read as follows:

(a) 'Goods' means all tangible personal property when purchased primarily for personal, family, or household use and not for commercial or business use, including such property which is furnished or used at the time of sale or subsequently, in the modernization, rehabilitation, repair, alteration, improvement or construction of real property so as to become a part thereof whether or not severable therefrom. The term also includes, but is not limited to, a structure, except a mobile home, to be used as a residence, any boat, boat-trailer, any vehicle propelled or drawn exclusively by muscular power, and merchandise certificates or coupons, issued by a retail seller, not redeemable in cash and to be used in their face amount in lieu of cash, in exchange for goods or services sold by such seller."

The amendments were read.

Senator Jones of Taylor moved to concur in the House amendments.

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Aikin, Andujar, Braecklein, Brooks, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Doggett, Patman, Truan.

Absent-excused: Adams, Clower.

COMMITTEE APPOINTED

Pursuant to the provisions of H.C.R. 9, the President announced the appointment of the following committee to escort Congressman Wright to the Joint Session: Senators Meier, Andujar, Creighton, Hance and Snelson.

BILL AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bill and resolutions:

S.C.R. 86

H.C.R. 73

H.B. 459

EXECUTIVE SESSION

The President announced that the time had arrived for an Executive Session of the Senate. (Senator McKnight having given Notice on yesterday.)

On motion of Senators McKnight and Mauzy and by unanimous consent, Senate Rule 41 was suspended in order to consider nominations scheduled for today in open session.

The President asked if there were requests to sever nominees.

Senator Mengden requested the severance of Dr. John B. Coleman to be a Member of the Board of Regents of Texas A&M University.

The request was granted.

Senator McKnight moved confirmation of those nominees not severed and reported by the Committee on State Affairs, Subcommittee on Nominations.

The following nominees were confirmed by the following vote: Yeas 29, Nays 0.

Absent-excused: Adams, Clower.

NOMINEES CONFIRMED

To be Members of the TEXAS BOARD OF PRIVATE INVESTIGATORS AND PRIVATE SECURITY AGENCIES: Mrs. Anne Mortimer Ballantyne, Dallas County (term of 2/1/77-1/31/83); Herbert Joe Kelpen, Sr., Harris County (term of 3/24/77-1/31/79); Roland M. Searcy, Jr., Brazos County (reappointment - 2 terms-9/29/75-1/31/77 and 2/01/77-1/31/83).

To be Members of the TEXAS BOARD OF CORRECTIONS: T. Louis Austin, Jr., Dallas County (reappointment - term of 4/5/77-2/15/83); Joe LaMantia, Hidalgo County (reappointment - term of 4/5/77-2/15/83); Fred W. Shield, Bexar County (reappointment - term of 4/5/77-2/15/83).

To be Members of the LOWER COLORADO RIVER AUTHORITY: J. R. (Bob) Thornton, Hays County (term of 10/24/75-12/31/80); Milton Y. Tate, Jr., Washington County (term of 10/24/75-12/31/80); Charles Schreiner, III, Kerr County (term of 10/24/75-12/31/80).

Dr. Coleman was then confirmed by the following vote: Yeas 25, Nays 4.

Yeas: Aikin, Andujar, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Longoria, Mauzy, McKnight, Meier, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Braecklein, Jones of Taylor, Lombardino, Mengden.

Absent-excused: Adams, Clower.

MOTION TO ADJOURN

On motion of Senator Aikin the Senate agreed to stand adjourned at the conclusion of the Joint Session until 10:30 o'clock a.m., Monday, April 18, 1977.

JOINT SESSION

(To hear an address by The Honorable James C. Wright, Jr.)

The President announced that the hour for the Joint Session of the two Houses to hear an address by The Honorable James C. Wright, Jr. Congressman from the 12th Congressional District of Texas and Majority Leader of the United States House of Representatives, pursuant to the provisions of H.C.R. 9, had arrived.

Accordingly, the Senators present, accompanied by the Secretary of the Senate and the Sergeant-at-Arms, repaired to the Hall of the House of Representatives at 11:00 o'clock a.m.

The Senators were announced at the Bar of the House and were admitted and escorted to seats already prepared for them along the aisle.

The President, on invitation of the Speaker, occupied a seat on the Speaker's Rostrum.

The President called the Senate to order and announced a quorum of the Senate present.

The Honorable Bill Clayton, Speaker of the House of Representatives, called the House to order, stated the purpose of the Joint Session and announced a quorum of the House present.

The Honorable James C. Wright, Jr., accompanied by Mrs. Wright and his party was announced by the Doorkeeper of the House.

Congressman Wright's party was escorted to the Speaker's Rostrum by Senators Meier, Andujar, Creighton, Hance and Snelson on the part of the Senate, and Representatives Lewis, Miller, Willis, Schieffer, McFarland, Coody, English, Briscoe, Evans and Millsap on the part of the House.

The Speaker, The Honorable Bill Clayton, presented Representative Gib Lewis, who introduced the members of the Fort Worth Delegation and party of Congressman Wright.

The Speaker introduced Representative Doyle Willis who introduced The Honorable James C. Wright, Jr.

Congressman Wright then addressed the Joint Session. (Complete text of speech printed in House Journal for April 14, 1977.)

The Speaker and Representative Chris Miller unveiled a portrait of Congressman Wright, which will hang in the Hall of the House of Representatives.

The President presented Senator Betty Andujar, President Pro Tempore of the Senate.

MEMORIAL RESOLUTIONS

S.R. 519 - by Farabee: Memorial resolution for Mrs. Roxi Tabor.

S.R. 520 - by Farabee: Memorial resolution for Sheriff Jalmar "Jinks" Wilson.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 516 - by Doggett: Extending welcome to Harry Chapin.

S.R. 517 - by Farabee: Extending welcome to David Farabee.

S.R. 518 - by Schwartz: Extending welcome to Rabbi Samuel M. Stahl.

ADJOURNMENT

The President Pro Tempore announced the purpose of the Joint Session had been concluded and declared the Senate at 11:43 o'clock a.m. would stand adjourned until 10:30 o'clock a.m. Monday, April 18, 1977, in accordance with a motion previously adopted in the Senate.

APPENDIX

Sent to Governor

(April 14, 1977)

S.C.R. 86

FIFTY-SECOND DAY (Monday, April 18, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

A quorum was announced present.

The Reverend Carl Siegenthaler, Director, Austin United Urban Council, Austin, Texas, offered the invocation as follows:

Let us bow as we acknowledge our ultimate accountability even beyond the people of Texas. O living, sovereign Creator and Lord, we know we need not invoke Your presence or activity. We know You have always been, are now and always will be engaged in the everyday life of Your people. Indeed, we join the Psalmist in singing:

Bless the Lord, oh my soul, and all that is within me, bless God's holy name;
Bless the Lord, oh my soul, and forget not all God's benefits;
Who forgives all our iniquities;
Who heals all our diseases;
Who redeems our lives from destruction;
Who crowns us with loving kindness and tender mercies;
Who satisfies our mouths with good things, so that our youth is renewed as the eagle's;